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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,176	02/28/2002	Matthew Plan	P21784	4794

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GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

EXAMINER

GAUTHIER, GERALD

ART UNIT PAPER NUMBER

2645

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/084,176

Applicant(s)

PLAN, MATTHEW

Examiner

Gerald Gauthier

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. **Claim(s) 1-5, 7-12, 14-26** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bjornberg et al. (US 6,647,111) in view of Stocker et al. (US 2002/0152197 A1).

Regarding **claim(s) 1**, Bjornberg discloses a method for implementing a customized instance of a dynamic interactive voice system for a customer, the dynamic interactive voice system having a database (FIG. 1 and column 1, lines 50-54), the method comprises:

configuring a call flow that incorporates a plurality of call flow nodes of different nodes types (column 10, line 10 "application file"), the different nodes types comprising a plurality of standard nodes and a plurality of preprogrammed designer tool kit modules (column 10, line 4 "service-independent building blocks") each designer tool kit module having a database (Audio files database 204/SIBB database on FIG. 2 are separated from the call plan database) that is separate from the dynamic interactive database (column 9, line 19 "call plan database" 202 on FIG. 2) at least one of the designer tool kit modules being a call library application (SIBB "call" on Table 1), and at least one of the designer tool kit modules being a voice forms module (SIBB "audio" on Table 1) (FIG. 5 and column 10, lines 4-16);

storing the call flow in association with an identification of the customer (FIG. 2 and column 9, lines 17-24);

activating the stored call flow to a dialed number associated with the customized instance (FIG. 2 and column 9, lines 21-24); and

processing at least one call flow node of the stored call flow (FIG. 2 and column 9, lines 25-35).

Bjornberg discloses service independent building blocks for interactive voice response system that perform multiple tasks but fails to disclose one of the designer tool kit modules being a zip code locator module.

However, Stocker in the same field of endeavor teaches at least one of the designer tool kit modules being a zip code locator module (FIG. 6 and paragraph 0034).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Bjornberg using the ZIP code locator as taught by Stocker.

This modification of the invention would have one of the designer tool kit modules being a zip code locator module so that the system would ensure that a financial service would be located.

Regarding **claim(s) 2**, Bjornberg discloses displaying at least one data field relating to at least one parameter of each call flow node at a display terminal, the at least one parameter directing processing of the associated call flow node (FIG. 4 and column 9, line 59 to column 10, line 3); and

receiving data defining the at least one parameter from the display terminal (FIG. 4 and column 9, line 59 to column 10, line 3).

Regarding **claim(s) 3, 8 and 10**, Bjornberg discloses the at least one parameter comprises an identification number of a selected call flow node of the plurality of call flow nodes to be processed after the at least one call flow node (column 9, lines 17-24).

Regarding **claim(s) 4**, Bjornberg discloses an initial call flow node of the plurality of call flow nodes comprises a menu node (column 9, lines 17-24).

Regarding **claim(s) 5 and 9**, Bjornberg discloses the standard node comprises one of a menu node, a transfer node, a vocabulary node and an end node (column 10, lines 4-16).

Regarding **claim(s) 7, 17 and 20**, Bjornberg in combination with Stocker disclose all the limitations of **claim(s) 7** as stated in **claim(s) 1'** s rejection above and furthermore Bjornberg discloses displaying a data field for each node at a graphical user interface, the data field corresponding to a variable parameter associated with the node type of the node (FIG. 4 and column 9, line 59 to column 10, line 3).

Regarding **claim(s) 11**, Bjornberg discloses the data entered in the data field of a node from the vocabulary node type comprising a predetermined vocabulary tag to be spoken via a voice generator to a terminal of a caller (column 9, lines 36-50).

Regarding **claim(s) 12**, Bjornberg discloses the data entered in the data field of a node from the transfer node type comprising a transfer destination code (column 9, lines 36-50).

Regarding **claim(s) 14 and 16**, Bjornberg in combination with Stocker disclose all the limitations of **claim(s) 14 and 16** as stated on **claim(s) 7'** s rejection above and furthermore Bjornberg discloses an interactive voice response system (column 3, line 50-53), a user terminal (128 on FIG. 1) a database (202 on FIG. 2).

Regarding **claim(s) 15**, Bjornberg discloses the at least one port of the IVR system being associated with a telephone number of the customer, so that the incoming call is directed by a public switched telephone network to the at least one port based on calls to the customer telephone number (column 9, lines 17-24).

Regarding **claim(s) 18**, Bjornberg discloses an administrative source code segment that is initiated by an escape code received by the IVR source code segment via the incoming call and that enables at least one of an addition, a deletion and a change of an administrative variable associated with the call flow (column 9, line 59 to column 10, line 3).

Regarding **claim(s) 19**, Bjornberg discloses the administrative variable comprises one of a telephone extension number and a voice announcement (column 9, lines 25-35).

Regarding **claim(s) 21-26**, Bjornberg discloses each designer tool kit module has different tools for different audiences (column 10, Table 1).

4. **Claim(s) 6 and 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bjornberg in view of Stocker as applied to **claim(s) 1 and 7** above, and further in view of Levin et al. (US 2003/0149566 A1).

Regarding **claim(s) 6 and 13**, Bjornberg in combination with Stocker as applied to **claim(s) 1 and 7** above differ from **claim(s) 6 and 13** in that it fails to disclose the designer tool kit module comprises one of an automatic attendant interactive voice response functionality and a names directory interactive response functionality.

However, Levin teaches the designer tool kit module comprises one of an automatic attendant interactive voice response functionality and a names directory interactive response functionality (§ 0004).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Bjornberg in combination with Stocker using an automated directory assistant as taught by Levin.

This modification of the invention would have automatic attendant interactive voice response functionality and names directory interactive response functionality so that the user would have the opportunity to choose from the listing names.

Response to Arguments

5. Applicant's arguments with respect to **claim(s) 1-26** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GERALD GAUTHIER
PATENT EXAMINER

g.g.
November 17, 2005

OVIDIO ESCALANTE
PATENT EXAMINER

Ovidio Escalante